

1983—Subsec. (a). Pub. L. 98-203 inserted “, and lands held in trust for the Las Vegas Paiute Tribe of Indians,”.

Pub. L. 98-70 inserted “, and lands held in trust for the Twenty-nine Palms Band of Luiseno Mission Indians, and the lands held in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana”.

Pub. L. 97-459 struck out “and” before “leases of land on the Agua Caliente” and authorized ninety-nine year leases of land on the Devils Lake Sioux Reservation to the Devils Lake Sioux Tribe or any organization of such tribe.

1980—Subsec. (a). Pub. L. 96-491 inserted “the Moapa Indian reservation”.

Pub. L. 96-216 inserted provisions relating to lands comprising the Moses Allotment Numbered 10, Chelan County, Washington.

1972—Subsec. (a). Pub. L. 92-488 inserted “the Burns Paiute Reservation,” after “the Fort Mojave Reservation,”.

Pub. L. 92-472 inserted “the Coeur d’Alene Indian Reservation,” after “the Fort Mojave Reservation,”.

Pub. L. 92-431 inserted provision excepting leases of land located outside the boundaries of Indian reservations in State of New Mexico from the twenty-five year time limit.

1971—Subsec. (a). Pub. L. 92-182 inserted “the Kalispel Indian Reservation” after “the Fort Mojave Reservation,”.

1970—Subsec. (a). Pub. L. 91-557 inserted “the Soboba Indian Reservation,” after “Gila River Reservation,”.

Pub. L. 91-275 inserted “Yavapai-Prescott Community Reservation,” after “San Carlos Apache Reservation,” and inserted list of factors that the Secretary must consider before approving a lease or an extension of an existing lease.

Pub. L. 91-274, §§ 2, 3, designated existing provisions as subsec. (a) and inserted “the Tulalip Indian Reservation,” after “the Gila River Reservation,”.

Subsec. (b). Pub. L. 91-274, § 3, added subsec. (b).

1968—Pub. L. 90-570 inserted “the pueblo of Cochiti, the pueblo of Pojoaque, the pueblo of Tesuque, the pueblo of Zuni,” after “Fort Mojave Reservation,”.

Pub. L. 90-534 inserted “the Swinomish Indian Reservation,” after “Dania Reservation,”.

Pub. L. 90-355 inserted “the Hualapai Reservation,” after “Fort Mojave Reservation,”.

Pub. L. 90-335 inserted “the Spokane Reservation,” after “the Fort Mojave Reservation,”.

1967—Pub. L. 90-184 inserted “the San Carlos Apache Reservation” after “Fort Mojave Reservation,”.

Pub. L. 90-182 inserted “the Gila Reservation,” after “Pyramid Lake Reservation”.

1966—Pub. L. 89-408 inserted “the Pyramid Lake Reservation” after “Fort Mojave Reservation,”.

1963—Pub. L. 88-167 inserted “the Fort Mojave Reservation,” after “Southern Ute Reservation”.

1962—Pub. L. 87-785 authorized leases for not more than 99 years of lands on Southern Ute Reservation.

1961—Pub. L. 87-375 authorized longer term leases of Indian lands on Dania Reservation and excepted from renewal leases the initial term of which extends for more than 74 years.

1960—Pub. L. 86-505 authorized leases for not more than 99 years of lands on Navajo Reservation.

1959—Pub. L. 86-326 substituted “except leases of land on the Agua Caliente (Palm Springs) Reservation which may be for a term of not to exceed ninety-nine years, and except leases of land for grazing purposes which may” for “excepting leases for grazing purposes, which shall”, in second sentence.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 6(a) of Pub. L. 99-575 provided in part that the amendment made by Pub. L. 99-575 is effective Oct. 28, 1986.

SHORT TITLE OF 1985 AMENDMENT

Section 1 of Pub. L. 99-221 provided that: “This Act [amending this section, section 450i of this title, sec-

tion 3121 of Title 26, Internal Revenue Code, and section 410 of Title 42, The Public Health and Welfare, and enacting a provision set out as a note under section 410 of Title 42] may be cited as the ‘Cherokee Leasing Act’.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 415a, 415b, 415c, 415d, 416a, 941j, 1724, 1771e of this title.

§ 415a. Lease of lands of deceased Indians for benefit of heirs or devisees

Restricted lands of deceased Indians may be leased under sections 415 to 415d of this title, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in section 380 of this title: *Provided*, That if the authority of the Secretary under this section is delegated to any subordinate official, then any heir or devisee shall have the right to appeal the action of any such official to the Secretary under such rules and regulations as he may prescribe.

(Aug. 9, 1955, ch. 615, § 2, 69 Stat. 539.)

§ 415b. Advance payment of rent or other consideration

No rent or other consideration for the use of land leased under sections 415 to 415d of this title shall be paid or collected more than one year in advance, unless so provided in the lease.

(Aug. 9, 1955, ch. 615, § 4, 69 Stat. 540.)

§ 415c. Approval of leases

The Secretary of the Interior shall approve no lease pursuant to sections 415 to 415d of this title that contains any provision that will prevent or delay a termination of Federal trust responsibilities with respect to the land during the term of the lease.

(Aug. 9, 1955, ch. 615, § 5, 69 Stat. 540.)

§ 415d. Lease of restricted lands under other laws unaffected

Nothing contained in sections 415 to 415d of this title shall be construed to repeal any authority to lease restricted Indian lands conferred by or pursuant to any other provision of law.

(Aug. 9, 1955, ch. 615, § 6, 69 Stat. 540.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 415a, 415b, 415c, 416a, 1724, 1771e of this title.

§ 416. Leases of trust or restricted lands on San Xavier and Salt River Pima-Maricopa Indian Reservations for public, religious, educational, recreational, residential, business, farming or grazing purposes

Any trust or restricted Indian lands, whether tribally or individually owned, located on the San Xavier Indian Reservation and the Salt River Pima-Maricopa Indian Reservation, in the State of Arizona, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, business, farming or grazing purposes, including the development or

utilization of natural resources in connection with operations under such leases, but no lease shall be executed under sections 416 to 416j of this title for purposes that are subject to the laws governing mining leases on Indian lands. The term of a grazing lease shall not exceed ten years, the term of a farming lease that does not require the making of a substantial investment in the improvement of the land shall not exceed ten years, and the term of a farming lease that requires the making of a substantial investment in the improvement of the land shall not exceed forty years. The term of any other lease shall not exceed ninety-nine years. No lease shall contain an option to renew which, if exercised, will extend the total term beyond the maximum term permitted by sections 416 to 416j of this title. The Secretary of the Interior shall not approve any lease with a term that is longer than is necessary in his judgment to obtain maximum economic benefits for the Indian owners.

(Pub. L. 89-715, §1, Nov. 2, 1966, 80 Stat. 1112.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 416a, 416b, 416c, 416d, 416e, 416h, 416i, 416j of this title.

§ 416a. Lease provisions

(a) Covenant not to cause waste, etc.

Every lease entered into under section 416 of this title shall contain a covenant on the part of the lessee that he will not commit or permit on the leased land any act which causes waste or a nuisance or which creates a hazard to health of persons or to property, wherever such persons or property may be.

(b) Judicial enforcement

The State of Arizona, or any political subdivision thereof contiguous with the San Xavier or Salt River Pima-Maricopa Indian Reservation, may bring suit, without regard to the amount in controversy, in the United States District Court for the District of Arizona to abate or enjoin any violation of the covenant required under subsection (a) of this section: *Provided*, That if, by reason of the citizenship of the parties and the law applicable to the cause of action, the District Court finds it lacks jurisdiction to hear and determine such suit, it may be brought in any court of competent jurisdiction of the State of Arizona.

(c) Binding arbitration of disputes

Any lease entered into under sections 416 to 416j or 415 to 415d of this title or any contract entered into under section 81 of this title, affecting land within the Salt River Pima-Maricopa Indian Reservation may contain a provision for the binding arbitration of disputes arising out of such lease or contract. Such leases or contracts entered into pursuant to such sections shall be considered within the meaning of "commerce" as defined and subject to the provisions of section 1 of title 9. Any refusal to submit to arbitration pursuant to a binding agreement for arbitration or the exercise of any right conferred by title 9 to abide by the outcome of arbitration pursuant to the provisions of chapter 1 of title 9, sections 1 through 14, shall be deemed to be a civil action arising under the Constitution, laws

or treaties of the United States within the meaning of section 1331 of title 28.

(Pub. L. 89-715, §2, Nov. 2, 1966, 80 Stat. 1112; Pub. L. 98-163, Nov. 22, 1983, 97 Stat. 1016.)

AMENDMENTS

1983—Subsec. (c). Pub. L. 98-163 added subsec. (c).

§ 416b. Development pursuant to lease

(a) Notice requirements prior to approval of lease

The Secretary of the Interior shall, before he approves any lease under sections 416 to 416j of this title for public, religious, educational, recreational, business, or residential purposes and if he determines that such lease will substantially affect the governmental interests of a municipality described hereunder, notify the appropriate authorities of any municipality contiguous to the San Xavier or Salt River Pima-Maricopa Reservation, as the case may be, of the pendency of the proposed lease and, in his discretion, furnish them with an outline of the major provisions of the lease which affect such governmental interests and shall consider any comments on the terms of the lease affecting the municipality, or on the absence of such terms from the lease, that such authorities may offer within such reasonable period, but not more than thirty days, as the Secretary may prescribe in his notice to them.

(b) Development by non-Indian lessees

It is the intent of the Congress that the terms under which lands located on the San Xavier and Salt River Pima-Maricopa Reservations are developed by non-Indian lessees shall, to the extent reasonably possible, be similar to those applicable under State or local law to the development of non-Indian lands in the municipalities contiguous thereto.

(Pub. L. 89-715, §3, Nov. 2, 1966, 80 Stat. 1112.)

§ 416c. Lease of lands of deceased Indians for benefit of heirs or devisees

Trust or restricted lands of deceased Indians located on the San Xavier and Salt River Pima-Maricopa Reservations may be leased under sections 416 to 416j of this title, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in section 380 of this title: *Provided*, That if the authority of the Secretary under this section is delegated to a subordinate official, then any heir or devisee shall have the right to appeal the action of any such official to the Secretary under such rules and regulations as he may prescribe.

(Pub. L. 89-715, §4, Nov. 2, 1966, 80 Stat. 1113.)

§ 416d. Advance payment of rent or other consideration

No rent or other consideration for the use of land leased under sections 416 to 416j of this title shall be paid or collected more than one year in advance, unless so provided in the lease.

(Pub. L. 89-715, §5, Nov. 2, 1966, 80 Stat. 1113.)

§ 416e. Approval of leases

The Secretary of the Interior shall approve no lease pursuant to sections 416 to 416j of this title